

DEPARTMENT OF HEALTH SERVICES

OFFICE OF DRINKING WATER

101 NORTH 7TH STREET

P.O. BOX 942732

SACRAMENTO, CA 94234-7320

(916) 323-6111

AX (916) 327-6092



April 5, 1993

Mr. Steve Yaeger
Deputy Executive Officer
Engineering and Resources
Bay Delta Oversight Council
1416 Ninth Street, Suite 1306-3
Sacramento, CA 95814

Dear Mr. Yaeger:

We appreciated the opportunity to review and comment on the section of the briefing paper on Delta Water Quality for Drinking Water Purposes which deals with the status of the Delta resources.

As we indicated in our comments, the section covers the issues very well, particularly the impact of Delta water quality on the formation of disinfection by-products (DBP). Now that consensus has apparently been reached at the federal level to establish new drinking water standards for certain DBP's, it will be important to identify feasible measures to reduce the amount of organic materials entering the Delta that serve as precursors to DBP production. The significance of the new DBP standards is not only that the standards will be more stringent than presently exists for the most common group, total trihalomethanes (TTHM), but that all community water systems will be required to meet them. The present TTHM standard affects community water systems with 10,000 population or greater. The new standard will impact water systems serving 25 people or more. While the larger water systems generally have the technical expertise and the financial resources to address the problem, smaller water systems will have severe difficulty meeting the standard, particularly those using Delta water. The DBP standards are expected to be promulgated by the U.S. Environmental Protection Agency (EPA) in 1997 with the larger water systems (10,000 population and greater) required to begin compliance efforts at that time. Smaller water systems will be given until 1999 to comply.

You have asked that we elaborate on the Department of Health Services (DHS) regulatory authority as it relates to drinking water and to discuss the drinking water standard setting process. California has been delegated primacy by EPA under the Federal Safe Drinking Water Act. As a primacy state, we are required to adopt regulations as stringent as those set by EPA. Generally, the State is given 18 months in which to adopt new regulations. EPA does

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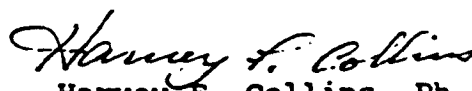
provide the State with extensions for up to two additional years. During that period, however, EPA will enforce the regulation in California.

Under the California Safe Drinking Water Act, DHS is authorized to adopt and enforce drinking water standards. Although, in a few cases, DHS has adopted standards more stringent than the federal standards, we have generally not found that to be necessary. DHS does, however, review the federal risk assessment supporting each regulation to ensure that the standard does provide adequate health protection to consumers. As part of the state requirements for regulation adoption, we also must assess the fiscal impact of the federal regulation on affected agencies. This assessment includes both the impact on the regulated community and the resource needs of DHS and county health departments to enforce the regulation. The regulations are also subject to a public hearing and final review and approval by the Office of Administrative Law prior to adoption. The entire process can easily take upwards of a year to complete.

In addition to our review of the document, you also requested that we attend the Council meeting on April 16. We plan to attend and will be willing to address any questions that the Council may have on Delta drinking water quality issues.

If you have any further questions, you may contact me at 323-1382 or Dr. David P. Spath at 323-4344.

Sincerely,


Harvey F. Collins, Ph.D., P.E.
Acting Chief
Office of Drinking Water